



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 5, 2019

TECHNICAL STAFF REPORT

Hearing Examiner hearing of September 19, 2019

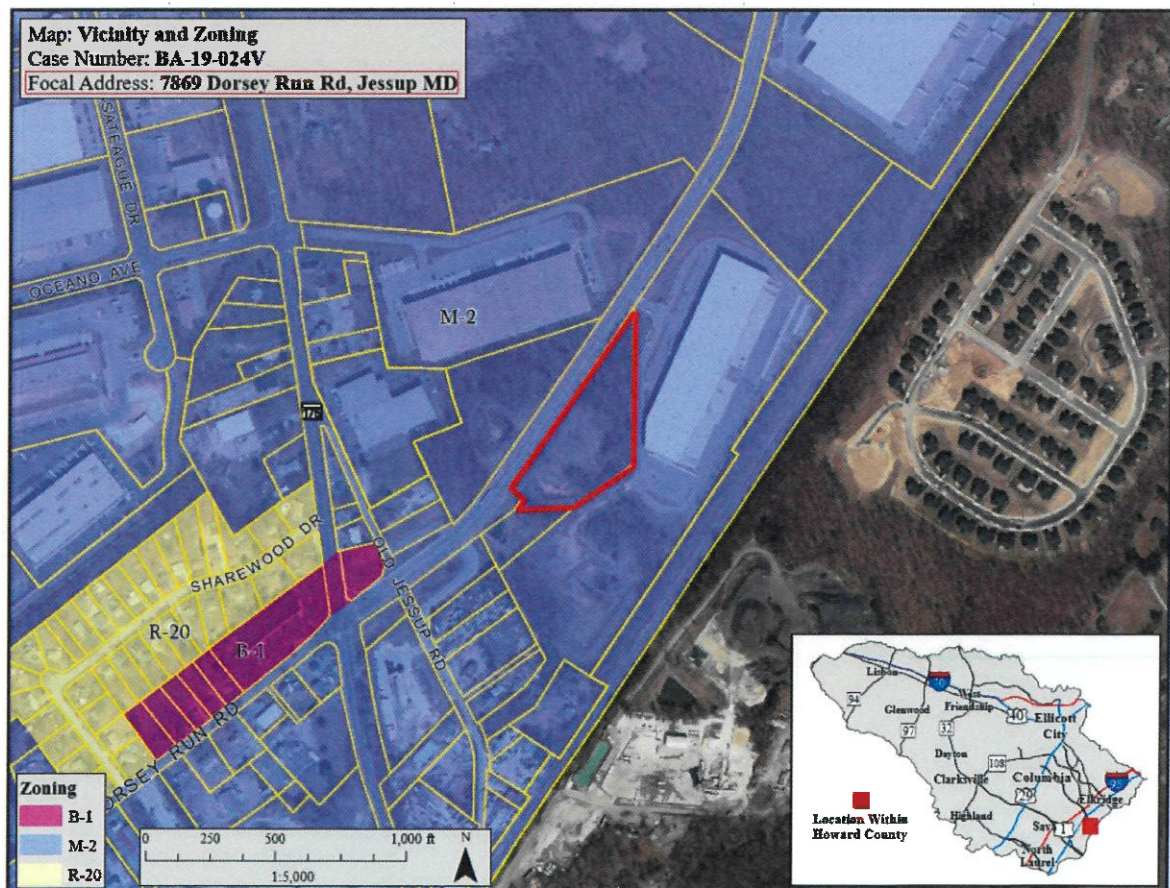
Case No./Petitioner: BA-19-024V—MLWL, LLC

Request: Variance to reduce the required 30-foot parking use setback from an external public right-of-way to 10 feet for a drive aisle. (Section 123.0.D.2.a)

Location: 7869 Dorsey Run Road
Tax Map 43, Grid 22, Parcel 108, (the "Property")

Area of Property: 4.0055 acres

Zoning: M-2 (Manufacturing: Heavy) District



I. VARIANCE PROPOSAL

The Petitioner proposes to construct a 38,600-square foot warehouse and associated parking lot. The proposed parking lot drive aisle encroaches 20-feet into the required 30-foot setback from an external public street right-of-way.

II. BACKGROUND INFORMATION

A. Site Description

The Property is triangular shaped with a width of approximately 840 feet along Dorsey Run Road, and a varying depth. The topography ranges from an elevation of 200 feet at the southwest of the site, rising to 228 feet in the north. The Property is undeveloped.

B. Vicinal Properties

Direction	Zoning	Land Use
North	M-2	Warehousing
West	M-2	Undeveloped
South	M-2	Undeveloped
East	M-2	Warehousing

C. Roads

Dorsey Run Road has one northeast-bound and one southwest-bound travel lane, as well as a middle left-turn lane with approximately 50 feet of paving in an 80-foot right-of-way. The speed limit is 35 miles per hour.

There is no traffic count data for this portion of Dorsey Run Road.

D. Water and Sewer Service

The Property is within the Metropolitan District and the Planned Service Area for water and sewer.

E. General Plan

The Property is designated Growth and Revitalization area on the Designated Place Types Map of the PlanHoward 2030 General Plan.

Dorsey Run Road is a Major Collector.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

Case No.: BA-02-065C
Petitioner: Triangle Dorsey Run Associates, Inc
Request: Conditional Use for the bulk storage of liquefied petroleum
Action: Granted, April 28, 2003.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 130.0.B.2.a. of the Zoning Regulations (general criteria for evaluating variances):

1. *That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that because of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.*

The Property is constrained by its irregular shape, narrowness, and exceptional topography. These unique physical conditions are peculiar to the lot and result in practical difficulties and unnecessary hardships in complying strictly with the 30-foot parking use setback from the right-of-way.

2. *That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of the adjacent property; and will not be detrimental to the public welfare.*

Vicinal properties consist of predominately warehouse uses, all of which are zoned M-2. To the west across Dorsey Run Road, and to the north and south is unimproved land; to the east (PAR B, parcel 109) is a warehouse. The proposed warehouse will be similar to uses on vicinal properties; therefore, the variance is unlikely to substantially impair the use of adjacent properties or be detrimental to the public welfare.

3. *That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.*

The practical difficulties or hardships related to the narrowness, topography, and shape of the Property were not created by the owner, who purchased it in 2015.

4. *That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.*

The Property is constrained by its irregular shape and sloping topography. The building and parking spaces will comply with the 30-foot setback and only the drive aisle encroaches into the setback. Most of the parking along Dorsey Run Road is required; therefore, the requested adjustment is the minimum necessary to afford relief within the intent and purpose of the Zoning Regulations.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a variance to reduce the required 30-foot parking use setback from the public right-of-way to 10 feet for a drive aisle, be **APPROVED**.

Approved by:

 9-3-19
Valdis Lazdins, Director Date

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: May 14, 2019

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-19-024V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: MLWL, LLC

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 05/28/19 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ ☒ Bureau of Environmental Health
_____ ☒ Development Engineering Division
_____ ☒ Department of Inspections, Licenses and Permits
_____ ☒ Department of Recreation and Parks
_____ ☒ Department of Fire and Rescue Services ☒
_____ ☒ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ ☒ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ ☒ Resource Conservation Division – Beth Burgess
_____ ☒ Route 1 Cases – DCCP – Kristin O'Connor
_____ Telecommunication Towers – (Comm. Dept.)
_____ Division of Transportation – Dave Cookson

COMMENTS: No comments



Howard County

Department of Planning and Zoning

Subject: Board of Appeals Case No: BA-19-024V
Applicant: MLWL, LLC
Petition: A variance to reduce the 30' setback from Dorsey Run Road to 9.33' for parking and a drive aisle.

To: Division of Public Service and Zoning Administration
Department of Planning and Zoning

From: Development Engineering Division
Department of Planning and Zoning

Date: May 15, 2019

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria including APFO requirements and stormwater management.

If you have any questions concerning this matter please contact me at extension 2350.



Chad Edmondson, P.E.
Chief

CE/pmt

cc: James M. Irvin, Director, Department of Public Works
Philip M. Thompson, Engineer, Development Engineering Division
Tom Butler, Chief, Bureau of Engineering, Department of Public Works
Reading File

H:\COMMENTS\BA ZB NCU TU Memos\BA\2019\BA19024v.docx

DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS

DATE: May 23, 2019

TO: Department of Planning and Zoning
Division of Land Development

FROM: Department of Inspections, Licenses and Permits
Plan Review Division

RE: DPZ File No. BA 19-024V
Name of Plan MLWL, LLC

No Comment

James. D. Hobson

T:\PRSEC\SDP\BA LETTERS\BA2019 letters\19-024V.jdh.docx



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

MEMO

To: Division of Public Service and Zoning Administration
Department of Planning and Zoning

From: Division of Land Development
Department of Planning and Zoning *KS*

Date: May 28, 2019

RE: BA-19-024V MLWL, LLC.

The Division of Land Development (DLD) has no objection to the Conditional Use Petition, provided the following comments are considered. DLD defers to the Director of Planning and Zoning and the Hearing Examiner regarding the Variance/Conditional Use Expansion request and offers the following comments:

1. Staff notes that this layout does not leave room for any potential easements along Dorsey Run Road. The property encompasses 4.0 ac± and reconfiguration of the site may reduce the need for the requested variance.
2. Staff suggests having at least a 10-foot buffer along Dorsey Road to install the required street and parking lot plantings.
3. Approval of necessary plans by the Department of Planning and Zoning will be required prior to the issuance of the grading and building permits.
4. The forest conservation requirements established per the Howard County Regulations will need to be met prior to approval of the required site development plan.
5. Internal parking lot, loading area landscaping, and street trees will be required on the Site Development Plan, in addition to the perimeter landscaping.
6. There is an existing wet basin shown onsite to be removed. A wetland determination from Howard County Department of Planning and Zoning and the Maryland Department of Environment may need to be made for the existing wet basin to determine its regulatory status. Removal of the wet basin will require approval and any necessary permits from the Maryland Department of Environment and the Army Corp of Engineers.

KS/ktb

cc: Research
DED
DPW, RES

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● Topic closed: **Approved**


Owner: Toni Sieglein	Category	Author	Date Updated
BA-19-024V RCD Comments	Memo	Beth Burgess	5/23/2019 7:08:04 PM
There are no historic resources being impacted by this proposal. The south east parcel was the site of a historic structure, HO-937 the Anderson Family House c.1876-1880, but the house was dilapidated in 2007 when the inventory was completed and the house has been cleared from the site for more than 10 years.			

No notes have been created yet.

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 **Topic closed: Approved**

Owner: Toni Sieglein	Category	Author	Date Updated
DCCP Comment on BA-19-024V	Memo	Kristin O'Connor	6/7/2019 3:35:50 PM
No comment			

No notes have been created yet.

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: May 14, 2019

Planning Board _____ Hearing Examiner TBD
Board of Appeals

Zoning Board

Petition No. BA-19-024V Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: MLWL LLC

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 05/28/19 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

SEE

X

TION

1 MDOT SHA DIST. 7

D. SCOTT NEWI